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Candace Havens
Director

MEMORANDUM

Public Hearing Date: October 11, 2011
Land Use Action Date: November 22, 2011
Board of Aldermen Action Date: December 5, 2011
90-Day Expiration Date: December 5, 2011

DATE: October 7, 2011

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ET
Derek Valentine, Senior Land Use Planner

SUBJECT: Petition #264-11, MARK AND LISA KOZAK for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow two parking stalls in the front setback at 119 FALMOUTH ROAD, Ward 3, West Newton on land known as SBL 34, 47, 16, containing approximately 7,716 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 30-24, 30-23, 30-19(g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioner's property is located in a residential neighborhood. Many of the homes in the neighborhood have at least one parking space within the front setback. Locating elsewhere on the properties is not feasible due to size constraints. The owners of the subject site would like to add a second parking stall within the front yard setback, where one currently exists, to accommodate their vehicles, particularly during the winter months when street parking is neither safe nor permitted in the City.

There is currently a single 10' by 19' parking stall located in front of the residence, with a walkway leading to the front door. The existing parking stall is located on the eastern property line, immediately adjacent to a neighbor's driveway. This petition would increase the overall driveway width to 22', with a 20' curb cut. The proposal would result in a small decrease in the open space on site, but would still conform to the open space requirements. The addition of a second parking stall will have a minimal impact on the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this petition, the Board should consider whether the following apply:

- 1) Literal compliance with the provisions of the parking ordinance is impracticable due to the following:
 - a) The petitioner's lot is narrow, only 58.75 feet wide, making vehicular access to the rear of the property difficult.
 - b) The house is located 27.5 feet from the front property line, making the provision of an easily accessible additional parking stall outside of the front setback impossible.
- 2) Additional off-street parking is in the interest of public safety because it reduces the number of cars parked on the narrow public right-of-way.
- 3) The proposal represents a very small (228 square-foot) increase in the amount of impervious surface on-site and the amount of open space provided is 75.2%, where 50% is required. In addition, the petitioner has proposed using concrete pavers that will be semi-pervious.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

Falmouth Road is located within a large area of Single Residence 3 zoning and single-family residential uses between Lowell Street and Cherry Street in West Newton. The parcels in the area are generally small, most less than 10,000

square feet of land. The housing stock in the neighborhood is modest in size, consisting of Cape-Cod style homes.

B. Site

The site consists of 7,716 square feet of land improved with a single-family dwelling. There is currently a 10' X 19' bituminous driveway, with parking for one car on the southeast corner of the lot abutting the property line.

III. PROJECT DESCRIPTION AND ANALYSIS



Rendering of the Proposed Driveway Expansion

A. Land Use

The property will remain as a single-family residence.

B. Parking and Circulation

The petitioner currently has one parking space with a 10' X 19' driveway within the front setback abutting the eastern property line. Since the property is legally nonconforming with respect to number of required off-street parking stalls, the addition of a second stall is not required. However, the owner would like to add one for convenience. The proposal is to add an additional parking stall adjacent to the existing one, increasing the driveway with a 12' X 19' paved area. The existing front walkway will be incorporated into the new driveway to minimize the amount of impervious surface added.

C. Landscape Screening

A 4' fence is proposed between the petitioner's driveway and the driveway on the property to the east and the site of the existing front walkway will be removed and replaced with lawn. The landscape will otherwise remain unchanged as a result of this petition. This will help to break up the visual mass of the combined driveways.

The petitioner's proposed use of brick pavers or similar product as a surface material will also serve to break up the mass of the adjacent driveways.

IV. TECHNICAL REVIEW

A. Technical Considerations

Newton Zoning Ordinance, Section 30-19 (g)(1) allows one parking stall within the front setback for single-family residences. The proposal is to locate a second stall next to the one that currently exists in the front setback. This requires relief under Section 30-19(m).

B. Newton Historical Commission

The subject property is not located in a local historic district and does not require review by the Newton Historic Commission.

C. Engineering Review

No review by the Engineering Division of the Department of Public Works is necessary because the increase in impervious coverage is minimal at 228 square feet.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum ("ATTACHMENT C"), the petitioner is seeking the following reliefs:

- Section 30-19(g)(1) and 30-19(m) to allow a second parking stall within the front setback at a single-family residence

VI. PETITIONERS' RESPONSIBILITIES

The petition is complete at this time.

ATTACHMENTS:

ATTACHMENT A: VICINITY ZONING MAP

ATTACHMENT B: VICINITY LAND USE MAP

ATTACHMENT C: ZONING REVIEW MEMO

ATTACHMENT D: DRAFT BOARD ORDER #264-11

119 Falmouth Rd. Zoning

*City of Newton,
Massachusetts*



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Seth D. Warren
GIS Administrator - Douglas Greenfield

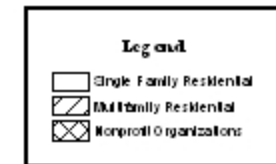


Attachment A

Map Date: September 28, 2011

119 Falmouth Rd. Land Use

*City of Newton,
Massachusetts*



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Seth D. Warren
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Attachment B

Map Date: September 28, 2011



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ATTACHMENT C

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: July 15, 2011

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning ET

Cc: Mark Kozak, applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow a second parking stall in the front setback

Applicant: Mark and Lisa Kozak	
Site: 119 Falmouth Road	SBL: 34047 0016
Zoning: SR3	Lot Area: 7,716 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

Background:

The property at 119 Falmouth Road consists of a 7,716 square foot lot improved with a single-family dwelling. The property currently has one surface parking stall located within the front setback of the house. The applicant is proposing to expand the driveway to make room for a second parking stall next to the existing parking stall.

The following review is based on plans and materials submitted to date as noted below.

- Site plan showing existing and proposed layout, signed and stamped by Michael Paul Antonino, Surveyor, dated 6/1/11

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to locate a second parking stall next to the existing surface parking stall. The existing parking stall is located in both the front setback and the side setback. Section 30-19(g)(1) allows only one parking space in the front setback by right for a single-family dwelling. The proposed parking stall would also be located within the front setback. To add a second parking stall

as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-19(m).

2. The proposed additional parking stall will reduce the open space of the lot. Per Section 30-15, Table 1, a minimum of 50% open space is required for a pre-1953 lot in the SR3 zone. The applicant's site plan shows that the open space will decrease from the existing 79.3% to the proposed 75.2%. Therefore the proposed site changes are conforming to the open space requirement.
3. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(g)(1), §30-19(m)	Allow two required parking stalls in the front setback	S.P. per §30-24

DRAFT
#264-11

CITY OF NEWTON
IN BOARD OF ALDERMEN
October 11, 2011

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow two parking stalls in the front setback at 119 Falmouth Road, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

- 1) Literal compliance with the provisions of the parking ordinance is impracticable due to the following:
 - a) The petitioner's lot is a narrow, only 58.75 feet wide, making vehicular access to the rear of the property difficult.
 - b) The house is located 27.5 feet from the front property line, making the provision of an easily accessible additional parking space outside of the front setbacks impossible.
- 2) Additional off street parking is in the interest of public safety because it reduces the number of cars parked on the narrow public right of way.
- 3) The proposal represents a very small (228 square-foot) increase in the amount of impervious surface on site and the proposed amount of open space provided is 75.2%, where 50% is required. In addition, the petitioner has proposed using concrete pavers that will be semi-pervious.

PETITION NUMBER: #264-11

PETITIONER: Mark and Lisa Kozak

LOCATION: 119 Falmouth Road, Section 34, Block 47, Lot 16
containing approximately 7,716 sq. ft. of land

OWNER: Mark and Lisa Kozak

ADDRESS OF OWNER: 119 Falmouth Road, West Newton, MA

TO BE USED FOR: A second parking stall within the front setback

CONSTRUCTION: Concrete pavers

EXPLANATORY NOTES: Section 30-19(g)(1) provides that one parking stall for a single family residence can be located within the front setback. Section 30-19(m) allows a special permit to grant exceptions to the provisions of the section.

ZONING: Single Residence 3 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. "Plot Plan for 119 Falmouth Rd in Newton, MA.," dated June 1, 2011, signed and stamped by Michael Paul Antonino, Professional Land Surveyor.
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.